November 28, 2005

SENT BY ECFS

Marlene H. Dortch, Commission Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW,
Washington DC 20554

Re: DA 05-2945; Compliance Letter on the efforts and status in Optivon Inc. meeting the FCC's Order for E911

Dear Commissioner Dortch:

Following is an update on the actions taken by Optivon, Inc, to comply with the FCC VoIP E911 Order.

## Background

Optivon is a young company providing VoIP interconnected services in limited areas in the US. Optivon serves business customers only at this time. Today we are only providing VoIP service to our office located in Largo, Florida and at the home-office of one of our directors in Dunwoody, Georgia. In addition, we provide outsourced hosted services to a carrier in Connecticut to whom we provide hosted switch services and PSTN access[1]. The total number of lines in service is under 100. Optivon is not contemplating, at this time, providing VoIP services to single line residential subscribers that are more prone to nomadic

[1] The Connecticut service provider has contracted with Optivon so we provide outsourced hosted switch based services and PSTN access. That service provider, in turn, packages the Optivon services with other services to offer VoIP service to business end users. This compliance letter does not cover the services provided by that service provider since Optivon does not provide services to end users in Connecticut.

use. We will probably offer that service sometime in the future through service providers that outsource to Optivon hosted switch applications and PSTN access.

Optivon has met with the FCC's requirements of previous orders requiring notification to customers of E911 limitations, including sending the required labels to affix to telephone sets.

During the past five months Optivon has been in discussions with third party providers to try to comply with the FCC E911 Order. For this purpose, we have contracted with one of these companies to provide E911 services in Connecticut and Florida, directly or to other service providers. Basic 911 service will be offered to the existing customers in Largo, FL and Dunwoody, GA before December 30, 2005. They also advised us that they would be providing E911 service, in compliance with the FCC Order during the following months, as described in the following sections. In the interim, Optivon is restricting its sales efforts to the areas that our third party provider notifies us that they have completed their E911 implementation.

## 1. 911 Solution

### a) Connectivity to Wireline E911 Network:

We have contracted with a third-party provider and have been working actively to meet the deadline. The current I1 solution is able to deliver emergency calls to 100% of the PSAPs via a 10-digit number. This solution provides 100% coverage in the United States. In the event a call cannot be delivered directly to the PSAP the caller is routed to a national call center with trained emergency operators. This 24/7 support is beyond the requirements of the FCC order. Optivon will have I1 implemented before December 30, 2005.

Access to selective routers for delivery of voice to PSAP is an extremely costly and time-consuming procedure. This requires physical interconnection to over 650 selective routers owned by the ILECS as well as conversion of the call from IP to TDM. There are very few carriers capable of meeting this requirement and most are CLECs, such as Level 3, Global Crossing, and XO. However, none have 100% coverage and all have varying levels of support. Each requires use of their own DIDs in order to use their E911 infrastructure. They also require substantial upfront investments along with high recurring monthly charges. Finally, these existing solutions only support static numbers and cannot support out of area telephone numbers (foreign NPA/NXXs). For that we need a VPC provider.

Our third-party provider, who is also a VPC provider, has contracted with one of these CLECs with access to over 70% of the US population and is in negotiations to interconnect with other CLECs in order to reach the rest of the US population. The process of converting from the I1 solution to the I2 solution is underway. However, it will not be complete by November 28th.

b) Transmission of ANI and Registered Location Information:
Our third-party provider has been actively involved in meeting the requirements of this order but given the short timeframes this is proving very difficult.

Delivery of ANI and registered location information to the PSAP requires connection agreements with all the ILECs, frame relay circuits to all the ALI databases, testing of links and data exchange, and loading of ESQKs into all the ALI databases. The circuit ordering timeframe is usually 4-6 weeks. Some of the smaller ILECs still do not have their VoIP ordering processes in place so no circuits have been ordered. Our third-party provider is installing these circuits but the 120 day timeframe from the FCC did not allow enough time to negotiate interconnection agreements with the ILECs and then order the circuits.

In addition, ESQKs have to be assigned and allocated. This issue current sits with the FCC to name an interim administrator for these non-dialable numbers. Without FCC guidance, it is nearly impossible to deploy services on a nationwide basis. This is stated in an ex parte filing from Tom Goode, Associate General Counsel of the Alliance for Telecommunications Solutions' (ATIS) Emergency Service Interconnection Forum (ESIF), to the Honorable Kevin J. Martin, Chairman, Federal Communications Commission:

> *On September 8, 2005, the NANC submitted these recommendations to the Chief of the Wireline Competition Bureau for approval. Included in this submission was a timeframe indicating that pANI administration for VoIP needed to commence by October 3, 2005, in order for all involved parties to meet the Commission's November 28, 2005, deadline for VoIP E9-1-1 solutions. However, as of the date of this letter, the Interim Routing Number Authority has not been established.*
>
> *In the absence of a centralized pANI administrator and guidelines, VoIP Service Providers (VSPs) and other parties developing VoIP E9-1-1 solutions may not be able to meet the November 28, 2005, deadline for E9-1-1 service. This is contrary to ESIF's mission to advance emergency communications technology, and does not serve the public interest. In a significant part of the U.S., there is no mechanism for pANI*

> *administration. Without this administration, a VSP would need to use dialable numbers, an ineffective solution. Further, a VSP may not have access to these numbers on a nationwide basis, which could lead to additional delays in meeting the Commission's November 28, 2005, deadline.*
>
> *ESIF recognizes that, even if the Commission were to approve the NANC recommendations quickly, a number of requests for extension of the November 28, 2005, deadline likely will still be filed. However, a delay in Commission action would likely further frustrate the implementation of VoIP E-9-1-1 solutions. The anticipated Interim RNA has indicated that it will need 30 days after the Commission's decision to begin pANI allocation. Further, based on feedback from VSPs and VoIP Positioning Center companies, the deployment and testing of these ESQKs will take another 60 to 90 days.*

Finally, this solution requires testing with over 6000 PSAPs to meet the deadline. This takes time as each PSAP must be tested with each ESQK. Again the 120 day timeframe doesn't allow enough time to get interconnection agreements with each ILEC, provision circuits, create ESQK shell records, and then schedule/execute testing with 6000 PSAPs. Our third-party provider has this effort underway but it is time consuming. The wireless industry has had years to perform this same effort and they are not complete yet.

Until these issues are resolved, our third-party provider has developed a web-based solution that allows PSAPs to see the real-time ANI/ALI information for each VoIP call. This gives the PSAP access to callback information when the call is delivered via the I1 solution.

c) Coverage:

Based on the issues above, full compliance has not yet been achieved. However, our third-party provider has been actively working with NENA, ATIS, the VON Coalition, as well as with every ILEC to complete the ESQK assignment process and finalize the ANI/ALI links. In addition, access to the selective routers is being achieved through partnerships with CLECs throughout the country. This is an extremely time-consuming and costly process, which is multiplied given the tight timeframes.

## 2. Obtaining Initial Registered Location Information:

Optivon has obtained complete location information for all of it's current customers. In our case, with less than 100 subscribers, this was straightforward task.

**3. Obtaining Updated Registered Location Information:**

Optivon customers can change location information via two methods:

1. By calling an Optivon customer service agent to make changes. This option is available 24/7 hours.
2. By going to a secure web site and updating his/her location information.

**4. Technical Solution for Nomadic Customers:**

We are implementing a real-time interface between our platform and our third-party provider that allows instant address validation and PSAP assignment. Optivon will have this interface working before December 31, 2005. This API allows our subscribers to enter a new 911 address on our site and have instant verification that the address is valid and that 911 service is activated for the new site. This also allows the subscriber to have real-time error notices that will allow them to correct their address if there is an issue with it. Optivon will also allow its subscribers to call our customer service agents 24/7 hours to change their address over the phone.

Our third-party provider has full PSAP boundary information for the entire United States and can instantly assign a subscriber to the appropriate PSAP as soon as they enter their address. This allows for real-time support of nomadic subscribers.

Optivon continues to talk with its vendors and third party providers in search of an automatic detection mechanism, which will detect that a customer has moved his service, and prompt him for new location information.

If you have any question you can contact me at 813-600-6090 or via email at rmorales@optivon.com

Regards,

Rafael Morales

Rafael Morales
Vice President

cc. Luis G. Romero Font, President